

FACTSHEET

TITLE: **COMPREHENSIVE PLAN AMENDMENT NO. 94-52 (revised)**, requested by the Director of Planning, to amend the 1994 Lincoln-Lancaster County Comprehensive Plan by changing Figure 16, Lincoln's Land Use Plan, from Industrial to Commercial and from Industrial to Residential on property generally located at N.W. 48th and West Adams Streets for the proposed Ashley Heights development.

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Annexation No. 00001 (01-60); Change of Zone No. 3248 (01-61); Special Permit No. 1833, Ashley Heights Community Unit Plan (01R-78); and Preliminary Plat No. 00005, Ashley Heights (01R-79).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 02/07/01 and 02/21/01
Administrative Action: 02/21/01

RECOMMENDATION: Approval (7-0: Krieser, Duvall, Carlson, Steward, Taylor, Schwinn and Bayer voting 'yes'; Hunter and Newman absent).

FINDINGS OF FACT:

1. This Comprehensive Plan Amendment and the associated annexation, change of zone, community unit plan and preliminary plat were heard at the same time before the Planning Commission.
2. The original application was referred by the City Council back to the Planning Commission on December 18, 2000, for a review of revised plans representing a compromise between the City, the developer, the neighborhood and R.E. Meyer (the owner of property adjacent to the northwest corner of the proposed development).
3. The Planning staff recommendation to approve the Comprehensive Plan Amendment is based upon the "Analysis" as set forth on p.2-4, concluding that the proposal is consistent with the goals of the Comprehensive Plan, including:
 - Increase home ownership opportunities for households of different sizes and income levels. Encourage the development of new subdivisions in all areas to increase the supply of buildable lots.
 - Promote a pattern of growth and annexation that will support an adequate tax base for and an efficient use of present and future public investment in roads, sewer, water, electricity and other services.
 - Provide geographically convenient and accessible retail areas throughout the city and county so as to provide the widest possible array of goods and services.
3. The applicant's testimony is found on p.6-7. Testimony in support is found on p.7, and the record consists of a letter in support from the Director of the Urban Development Department and from the Arnold Heights Neighborhood Association (p.011-012).
4. There was no testimony in opposition.
5. On February 21, 2001, the Planning Commission voted 7-0 to agree with the staff recommendation of approval (Hunter and Newman absent).

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\FSCPA9452.REV

DATE: April 2, 2001

DATE: April 2, 2001

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Comprehensive Plan Amendment #94-52

DATE: ~~October 5, 2000~~
Revised January 29, 2001

PROPOSAL: The Planning Director requests an amendment to the Comprehensive Plan to change Figure 16 Lincoln's Land Use Plan from Industrial to Commercial and from Industrial to Residential on property generally located at NW 48th and W. Adams Streets. (Proposed Ashley Heights Development.)

GENERAL INFORMATION:

APPLICANT: Kathleen A. Sellman, AICP
Director of Planning
Lincoln-Lancaster County Planning Department
555 S. 10th Street
Lincoln, NE 68508
(402) 441-7491

CONTACT: Jennifer L. Dam, AICP
Planner
Lincoln-Lancaster County Planning Department
555 S. 10th Street
Lincoln, NE 68508
(402) 441-6362

HISTORY: The Lincoln Chamber Industrial Park Preliminary Plat was approved in **1989**.

The Planning Commission voted to deny the applications on **October 18, 2000**.

The City Council held a public hearing on **November 27, 2000**, at which time they delayed action until December 4, 2000.

On **December 4, 2000**, action was delayed again, until December 18, 2000.

On **December 18, 2000** the City Council referred the items back to the Planning Commission for a review of revised plans representing a compromise between the City, the developer, the neighborhood, and R.E. Meyers (property owner adjacent to the northwest corner of the proposed development .)

ANALYSIS:

1. This request is associated with Preliminary Plat #0005, Special Permit #1833, Change of Zone #3248, and Annexation#00001. These issues were originally reviewed by the

Planning Commission on October 18, 2000. At that time, the Planning Commission recommended denial of the projects.

2. The City Council held a public hearing on November 27, 2000. Action on the items was delayed twice so that the developers, neighborhood, representatives from R.E. Meyer (property owner adjacent to the northwest corner of the proposed development) and city staff could negotiate a compromise.
3. A compromise between the parties was achieved. On December 18, 2000 the City Council referred the items back to the Planning Commission so that the revised plans representing the compromise could be reviewed.
4. As a result of the compromise, the configuration of the proposed commercial and residential land uses has changed slightly, and the area of the industrial uses has slightly increased.
5. This area was preliminary platted as a part of the Lincoln Chamber of Commerce Industrial Development Corporation Industrial Park in 1989. With the exception of the development of Sun Husker Foods on the corner of N.W. 48th and W. Adams Street, it has remained undeveloped.
6. The area of the proposed change is east of the Greater Arnold Heights Neighborhood, a residential neighborhood consisting of 1,432 dwelling units.
7. The southeast corner of N.W. 48th and W. Adams Street is developed with SunHusker Foods, an industrial land use.
8. The area immediately north of W. Adams Street is designated Industrial in the Comprehensive Plan, and is zoned I-1, Industrial. It is owned by the Airport Authority and is currently undeveloped. The Greater Arnold Heights Neighborhood Plan, adopted by the City Council on October 2nd, 2000, changed the eastern 300 feet of this parcel from Industrial to Parks and Open Space on Figure 16 "Lincoln's Land Use Plan."
9. The area east of the proposed change is designated as industrial in the Comprehensive Plan. It is currently used for farm land, and is zoned AG. Limited access, lack of utilities, floodplain restrictions, and the Ldn 65 and Ldn 70 airport noise zones make near term development of this property challenging.
10. The area south of the proposed change is shown for agricultural uses in the Comprehensive Plan, and it is zoned AG. Property owners to the south unsuccessfully requested a Comprehensive Plan amendment to show the area as urban residential during the 1998 Annual Review.
11. The Greater Arnold Heights Area Neighborhood Plan was adopted October 2, 2000 as a subarea plan of the Comprehensive Plan. It encourages development of the intersection of NW 48th and W. Adams as an "Urban Village" commercial center in the existing Air

Park Industrial Park zoned I-1. The Plan recommends “light industrial”, office and commercial uses be used as a transition from industrial to residential.

12. The north portion of the development is proposed to change from industrial to commercial. The Ashley Heights development proposes B-2, Planned Neighborhood Business District at the western end and H-4, General Commercial District at the northeast end. The B-2 district would provide neighborhood retail uses. The H-4 district is a general commercial district that permits more intensive commercial uses. Both uses are consistent with the Greater Arnold Heights Area Neighborhood Plan.
13. The Greater Arnold Heights Area Neighborhood Plan identifies a need for additional housing in the area. The plan projects a need for 274 housing units. The Ashley Heights Preliminary Plat and Community Unit Plan, associated with this request, propose 289 units, which will readily meet the projected demand.
14. The proposed Comprehensive Plan amendment would remove an area designated for industrial uses that is in close proximity to existing residential uses. While the area at the southeast corner of NW 48th and W Adams, and the area north of W. Adams would remain industrial, the closest corner of a proposed residential lot would be over 300 feet from the corner of the existing industrially zoned lot. There is 88', lot line to lot line, between the existing residential lots and the industrially zoned land north of W. Adams Street. There is about 300 feet between Sun Husker Foods and the existing residential lots to the west, however the residential lot to the southwest is 110 feet away. Thus, the proposed residential uses would be further away from existing industrial uses than existing residential uses.
15. The proposal is consistent with the goals of the Comprehensive Plan including:
 - Increase home ownership opportunities for households of different sizes and income levels. Encourage the development of new subdivisions in all areas to increase the supply of buildable lots.
 - Promote a pattern of growth and annexation that will support an adequate tax base for and an efficient use of present and future public investment in roads, sewer, water, electricity and other services.
 - Provide geographically convenient and accessible retail areas throughout the city and county so as to provide the widest possible array of goods and services.

RECOMMENDATION: Approval

Prepared by:

Jennifer L. Dam, AICP
Planner

**COMPREHENSIVE PLAN AMENDMENT NO. 94-52;
ANNEXATION NO. 00001;
CHANGE OF ZONE NO. 3248;
SPECIAL PERMIT NO. 1833,
ASHLEY HEIGHTS COMMUNITY UNIT PLAN;
and
PRELIMINARY PLAT NO. 00005, ASHLEY HEIGHTS**

REOPENED PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 7, 2001

Members present: Carlson, Steward, Taylor, Krieser, Hunter, Duvall, Newman and Bayer; Schwinn absent.

Planning staff recommendation: Approval of the Comprehensive Plan Amendment; conditional approval of the Annexation; approval of the Change of Zone; and conditional approval of the Community Unit Plan and Preliminary Plat.

Proponents

1. Joe Bachmann, 1400 U.S. Bank Bldg, appeared on behalf of M&S Construction, the developer. This plat was before the Commission previously; they have had a number of meetings and negotiations to reach agreement; and they are at a point of compromise; however, today an issue came up with regard to one of the agreements that is a part of that compromise that needs to be resolved. Therefore, Bachmann requested a two-week deferral.

In response to a question by Duvall, Bachmann indicated that R.E. Meyer has purchased some property and that is part of the compromise under discussion; however, the issue which needs to be resolved is not related to their purchase of the property. Bachmann believes it will get resolved within the two weeks.

There was no other public testimony.

Duvall moved to defer for two weeks, with continued public hearing and administrative action scheduled for February 21, 2001, seconded by Hunter and carried 8-0: Carlson, Steward, Taylor, Krieser, Hunter, Duvall, Newman and Bayer voting 'yes'; Schwinn absent.

**CONTINUED REOPENED PUBLIC HEARING
BEFORE PLANNING COMMISSION:**

February 21, 2001

Members present: Krieser, Duvall, Carlson, Steward, Taylor, Schwinn and Bayer; Hunter and Newman absent.

Planning staff recommendation: Approval of the Comprehensive Plan Amendment; conditional approval of the Annexation; approval of the Change of Zone; and conditional approval of the Community Unit Plan and Preliminary Plat.

Proponents

1. Mark Hunzeker appeared on behalf of **M&S Construction**, the developer of Ashley Heights. This application is for the rezoning of the property from I-1 to H-4, to B-2 and to R-3, as shown on the map. They spent a considerable amount of time over the past couple of months meeting with the neighborhood association, the industrial neighbor to the north (R.E. Meyer) and various city staff, including Urban Development Director, Marc Wullshleger, who organized and mediated the meetings. Everyone involved made a really good effort to come to a fair resolution to serve the developer's interests, the neighborhood interests and the concerns of R.E. Meyer.

Hunzeker explained that the short form version of the compromise is that the parcel in yellow on the map will remain zoned I-1. It has been agreed that that parcel will be sold to the R.E. Meyer Company to provide them with some additional land for future expansion. The previous version of this plat showed a street that connected from Huntington to W. Adams Street. That connection is no longer in place through this plat. There still exists a right-of-way, the future of which may come up for discussion in the future but it is not connecting through to West Huntington, which was one of R.E. Meyer's concerns. Hunzeker pointed to the proposed B-2 zoning, and stated that the relocated drainageway will be brought further to the south along the north edge as now defined so not to push the drainageway up against the R.E. Meyer property. The upshot is that we end up with a slightly more rectangular residential development, slightly more separation from the residential to the R.E. Meyer property, and a slightly larger area for the commercial. There will be temporary access for the residential development that will come over a paved and graveled road to provide construction access and secondary emergency access into the subdivision. Some of the property will not be developed until there is a second emergency access.

Hunzeker then addressed the conditions of approval. Condition #1.2.20 on the preliminary plat talks about Lot 54, Block 8, being relabeled as an outlot and adding the note that, "This is a non-buildable, non-useable outlot until such time that it is combined with a parcel that has frontage and access through an administrative subdivision." Hunzeker does not disagree with this condition until it gets to the requirement for an administrative plat. He asked that the language, "through an administrative plat" be deleted from this condition. It had been agreed that this developer would be able to combine that parcel with the R.E. Meyer Company tract without an administrative subdivision. They will agree to relabel it as an outlot.

Condition #1.2.21 on the preliminary plat requires a public access easement through Lot 53, Block 8, to the outlot to the north. That would mean a public access easement through the commercial parcel to the outlot until merged with a lot with frontage and access. Hunzeker does not believe this is necessary. They requested waiver of the frontage and access for that particular parcel. With that waiver, the access easement is not required. It will have access to W. Adams via the R.E. Meyer parcel. Hunzeker requested that Condition #1.2.21 be deleted.

Condition #3.2.3.1 on the preliminary plat states that the City will subsidize, "...The cost above that of an 8" sewer line for the 15" sewer line shown upstream from Manhole 32." Hunzeker requested

that Condition #3.2.3.1 read, "The cost above that of an 8" sewer line for the 15" sewer line shown upstream starting 600' north of the plat running south." The city would participate in the partial cost of that sewer because this developer is oversizing in order to provide for sewer to the area to the south.

Hunzeker requested to add a Condition #3.2.3.2 to the preliminary plat, "The cost above that of a 6" water line through the plat."

2. Charlie Humble appeared on behalf of **R.E. Meyer, L.L.C.**, in support. There was a long process involved in coming to an agreement. He acknowledged several people who worked long and hard to help achieve the compromise: Marc Wullschleger of Urban Development; Jennifer Dam of the Planning Department; Dennis Bartels of Public Works; Rick Peo, City Law Department; and Jeff Schwebke and Karen Griffin for the Arnold Heights Neighborhood Association. R.E. Meyer has very deep concerns about locating residential in such close proximity to the industrial, preferring, of course, to be surrounded by other industrial uses. Realizing that was not going to happen, Humble believes the compromises, particularly in relation to the ability to purchase the area to the south of R.E. Meyer, is important for protection of future growth; the elimination of the access point to N.W. 45th is important; and other adjustments will make a more compatible type of use to the south of R.E. Meyer and the surrounding area.

Humble agreed with the proposed amendments to the conditions of approval. He also seconded Hunzeker's comments in relation to allowing R.E. Meyer to purchase the strip to the south without going through an administrative plat.

3. Jeff Schwebke, 4230 N.W. 54th Street, testified in support. He believes the revisions to this plat are improvements. The negative vote by the Planning Commission on the original application compelled us to realize that this was truly an opportunity for an advantage to our community, so we became more involved. He is grateful that Lincoln has the foresight to hear from the residents of the community. Her expressed appreciation for the efforts of all parties involved in the compromise meetings. This revision represents a true compromise. Arnold Heights Neighborhood Association took part in this process. They continue to discuss this issue in the neighborhood and have resounding support. More than 100 support letters and emails have been mailed to the City Council. The five subdivisions in the area are in complete support of this project.

4. Vincent Ortega, homeowner at 2424 N.W. 50th since July, 1980, in Olympic Heights, located directly west of the proposed Ashley Heights, testified in support. The northwest Lincoln community welcomes this development because it is a step in the right direction to get the necessary rooftops to bring the retail and service businesses. He welcomes this development because of the additional families that will become his neighbors and their children will help increase the declining elementary school enrollment. Instead of busing to middle school, hopefully they will be able to attend a school closer to home. The residents also have a vision for a new high school. A yes vote is a vote for positive growth in northwest Lincoln and to unite this area of town.

There was no testimony in opposition.

Dennis Bartels of Public Works agreed with the proposed amendments concerning the sewer and water subsidies.

As far as requiring the administrative subdivision, Rick Peo of the City Law Department stated that the question is how do we combine the two lots if Lot 54, Block 8, is designated as an outlot? He is not sure it can be done without an administrative final plat.

Response by the Applicant

Upon further discussion between Hunzeker and Peo, it was agreed that Condition #1.2.20 could read "...until such time that it is legally combined with a parcel that has frontage and access." And it was agreed that Condition #1.2.21 could be deleted.

Public hearing was closed.

COMPREHENSIVE PLAN AMENDMENT NO. 94-52

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 21, 2001

Duvall moved approval, seconded by Schwinn and carried 7-0: Krieser, Duvall, Carlson, Steward, Taylor, Schwinn and Bayer voting 'yes'; Hunter and Newman absent.

ANNEXATION NO. 00001

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 21, 2001

Schwinn moved to approve the Planning staff recommendation of conditional approval, seconded by Taylor and carried 7-0: Krieser, Duvall, Carlson, Steward, Taylor, Schwinn and Bayer voting 'yes'; Hunter and Newman absent.

CHANGE OF ZONE NO. 3248

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 21, 2001

Schwinn moved approval, seconded by Taylor and carried 7-0: Krieser, Duvall, Carlson, Steward, Taylor, Schwinn and Bayer voting 'yes'; Hunter and Newman absent.

SPECIAL PERMIT NO. 1833,

ASHLEY HEIGHTS COMMUNITY UNIT PLAN

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 21, 2001

Schwinn moved to approve the Planning staff recommendation of conditional approval, seconded by Taylor and carried 7-0: Krieser, Duvall, Carlson, Steward, Taylor, Schwinn and Bayer voting 'yes'; Hunter and Newman absent.

PRELIMINARY PLAT NO. 00005

ASHLEY HEIGHTS

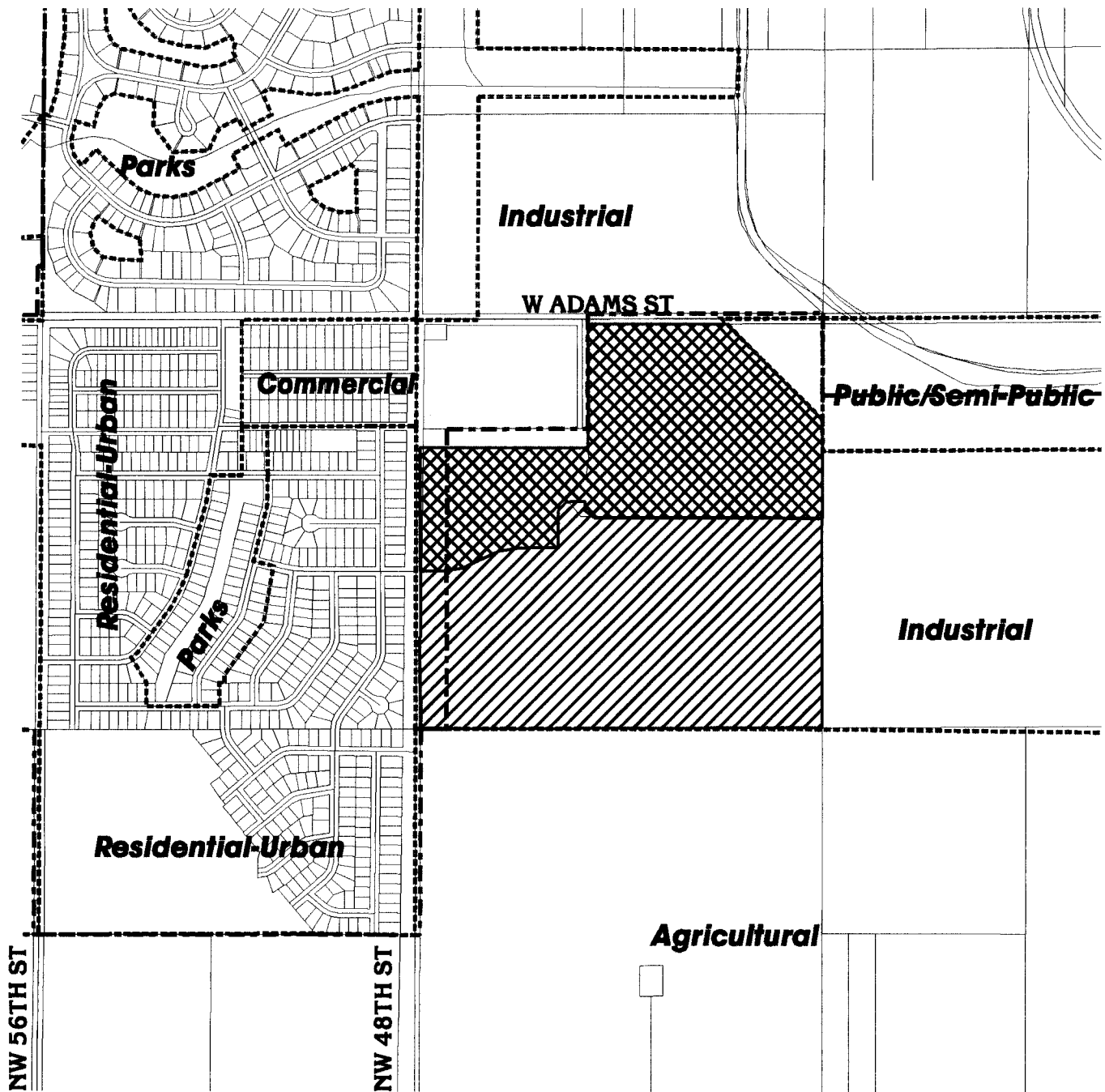
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 21, 2001

Schwinn moved to approve the Planning staff recommendation of conditional approval, with the amendments to the conditions as requested by the applicant and agreed upon with the staff, seconded by Krieser.



Carlson expressed appreciation for the work that has been done on this project.

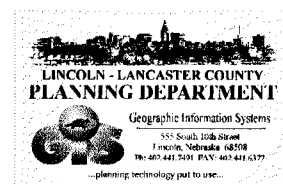
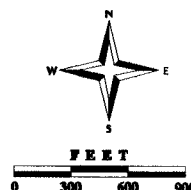
Motion for conditional approval, with amendments, carried 7-0: Krieser, Duvall, Carlson, Steward, Taylor, Schwinn and Bayer voting 'yes'; Hunter and Newman absent.



NW 48th & W. Adams

Comprehensive Plan Amendment 94-52

- Land Use Boundary
- - - - - Lincoln Corporate Limit
- Res** Land Use Category
-  From Industrial to Commercial
-  From industrial to Residential



Lincoln



Nebraska's Capital City

SPECIAL PERMIT NO. 1833
PREL. PLAT NO. 00005

January 29, 2001

(p.125 - Public Hearing - 2/07/01)

Planning Commission Members
City Council Members
555 South 10th Street
Lincoln, NE 68508

RE: Ashley Heights

Dear Members:

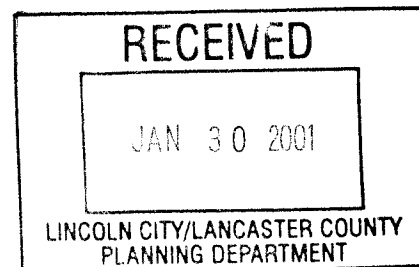
The Mayor asked me several months ago to work with Ashley Heights developer, M & S Construction, and R. E. Meyer, the neighboring meat processing plant, to see if a compromise could be worked out on Ashley Heights preliminary plat. I am pleased to report a satisfactory solution has been reached after numerous meetings with both parties, city staff, and concerned neighbors.

I must commend both M & S Construction and R. E. Meyer for the most conciliatory negotiations I have been a party to. We worked through most issues to everyone's satisfaction including environmental, access, street layout, setbacks, commercial area, park area and traffic concerns. I also must commend the adjacent neighborhoods for taking such an active role with the developer in the beginning of the development process and later in the compromise negotiations.

Compromises involve many parties and many complicated issues. While compromise might not be a perfect solution for every individual involved, we strived to reach the best solution for the group as a whole. It has been a pleasure to work with all the citizens involved with this planning process and the Mayor's Office supports the compromise.

Sincerely,

Marc Wullschleger
Director, Urban Development Department



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Arnold Heights Neighborhood Association

Serving The Residents Of The Arnold Heights Community

(p.125, Public Hearing, 02/07/01)

4230 NW 54th St.
Lincoln, NE 68524
February 1, 2000

Lincoln-Lancaster County Planning Dept
Planning Commissioners
555 South 10th St
Lincoln, NE 68508

Commissioners:

The Ashley Heights development will be coming before you on the February 7th Planning Commission agenda. We look forward to having this revised plat reviewed by the planning commissioners and encourage your acceptance of the proposal. This revision represents a compromise that was orchestrated between the neighborhood, the developer, the City of Lincoln, and the resident industrial user, RE Meyers Company.

From the neighborhood's point of view, this compromise addresses not only the industrial user's concerns, but also many issues that the community had expressed. We still feel that removing this tract of land from the industrial land use designation that is currently in place will benefit not only the adjacent residential area, but enhances the entryway to the Lincoln Airport Authority's larger industrial tract to the north. Residential growth with the possibility of commercial activity in the area will not only augment the existing residential, but will also provide LAA's tenants with improved services and housing opportunities.

Residents of the Arnold Heights, Oak Hills, Olympic Heights, Green Prairie Heights, and Hartland Northwest neighborhoods have provided the City Council with nearly 200 letters of support for this development. Our neighborhoods have had presentations by the developer along with concerns voiced by RE Meyer Company. The Arnold Heights Neighborhood Association continues to keep the residents of the NW 48th Street corridor neighborhoods apprised of the status of this application. We continue to be in complete support of this project. Please consider this proposal and vote yes for Ashley Heights and Northwest Lincoln. Thank You.

Respectfully

Arnold Heights Neighborhood Association

Karen Griffin	President
Karin Kotschwar	Vice President
Terry Schwimmer	Treasurer
Jeanette Fangmeyer	Secretary
Jeff Schwebke	Editor

A handwritten signature in black ink, appearing to read "Jeff Schwebke".

